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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,977	11/21/2003	Stephane Moreau	W53.12-0002	1748
27367	7590	03/24/2006	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			REDMAN, JERRY E	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/719,977	MOREAU, STEPHANE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerry Redman	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) 34 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicant's election of Group I-claims 1-33 in the reply filed on 1/3/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The applicant's information disclosure statement dated 4/12/2004 has been considered and a copy has been placed in the file.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is a lack of antecedent basis for the following: In claim 1, line 3, "the inside"; In claim 5, line 3, "the inside"; In claim 11, line 3, "the sealing plane"; In claim 22, line 5, "the inside"; and In claim 33, line 4, "the inside". In claim 1, line 8, the phraseology "movable glass panel leans in the sealing position" is not readily understood by the Examiner. More specifically, what is meant by "leans"? In claim 1, lines 14-15, the phraseology "can return to lean against the watertight joint" is not readily understood by the Examiner. In claim 7, lines 2-3, the phraseology "at least one foot" is not readily understood by the Examiner. In claim 10, line 3, the phraseology "and/or" is indefinite and fails to positively recite the claimed

invention. In claim 14, line 3, the phraseology “the sliding of a pull bar of the blind” is not readily understood by the Examiner. In claim 17, lines 2-3, the phraseology “arranged to slot into a part that protrudes” is not readily understood by the Examiner. In claim 19, line 3, the phraseology “or” is indefinite and fails to positively recite the claimed invention. In claim 19, line 3, the phraseology “the latter” is not readily understood by the Examiner. Exactly what is meant by the latter? In claim 22, line 9, the phraseology “movable glass panel leans in the sealing position” is not readily understood by the Examiner. More specifically, what is meant by “leans”? In claim 22, lines 15-16, the phraseology “can return to lean against the watertight joint” is not readily understood by the Examiner. In claim 26, line 2, the phraseology “preferably” is indefinite and fails to positively recite the claimed invention. In claim 27, line 3, the phraseology “and/or” is indefinite and fails to positively recite the claimed invention. In claim 28, line 2, the phraseology “and/or” is indefinite and fails to positively recite the claimed invention. In claim 29, line 3, the phraseology “and/or” is indefinite and fails to positively recite the claimed invention. Claim 32, in its entirety, is not readily understood by the Examiner. In claim 33, line 16, the phraseology “can return to lean against the watertight joint” is not readily understood by the Examiner.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-7, 11-17, 21, 22, 24-29, 32, and 33 are further rejected under 35 U.S.C. 102(b) as being anticipated by Hasler et al. (4,240,227). Hasler et al. ('227) disclose a door (11 or 45) of a motor vehicle comprising a body shell (9), at least one movable glass panel (13) arranged to slide between a sealing closed position and an open position, at least one strut (the upper portion of 17 and/or 19) bearing a watertight joint (seals/windscreen wiper blade seal(s) are formed therealong) and guide tracks (the lower portion of 17 and 19), a cross member (13h'), a "burglarproof" means (33 or 133) extending within a slot of the struts, and at least one fixed panel (49) fitted into a sealing plane.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 8-10, 23, 30, and 31 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Hasler et al. ('227) in view of Kobrehel et al. (6,141,910). All of the elements of the instant invention are discussed in detail above except providing a motor to drive the window panel via a cable operated assembly. Kobrehel et al. ('910) disclose a door assembly having a motor (16) connected to a cable drive system for moving a window panel between an open and closed position. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door assembly of Hasler et al. ('227) with a motorized cable drive assembly

as taught by Kobrehel et al. ('910) since a motorized cable drive assembly allows the convenience to automatically operate the window and the cable drive assembly takes up less space and is lighter than conventional drives.

As best understood, claims 18-20 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Hasler et al. ('227) in view of Klueger et al. (6,425,208). All of the elements of the instant invention are discussed in detail above except providing an adjusting means for the window assembly. Klueger et al. ('208) disclose a two screw adjusting means (58 and 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door assembly of Hasler et al. ('227) with an adjusting means as taught by Klueger et al. ('208) since an adjusting means allows the sliding panel and guides to be adjusted with respect to the door shell.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Maeda et al. ('779 and '830) disclose a "burglarproof" means similar to that of the applicant's invention. U.S. patent to Seo et al. disclose a lock means (40) similar to that of the applicant's invention. U.S. patent to Herliczek et al. disclose a lock means similar to that of the applicant's invention. U.S. patent to Keys et al. disclose a burglar-proof means similar to that of the applicant's invention. U.S. patent to dibenedetto discloses a lock means similar to that of the applicant's invention. U.S. patent to Morando discloses a cable drive system similar to that of the applicant's invention. U.S. patent to Grimm et al. disclose a lock means similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 571-272-6835.



Jerry Redman  
Primary Examiner